

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/763,914

Filed: January 23, 2004

Applicants: Andrew HALLIDAY et al.

Title: CARTRIDGE FOR THE
PREPARATION OF BEVERAGES

Art Unit: 1761

Examiner: Milton I. CANO

Attorney Docket No.: 67627

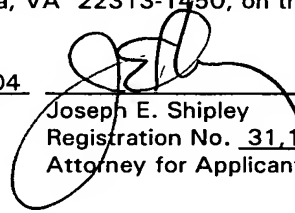
Customer No.: 22242

Confirmation No. 7832

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

9/10/2004
Date


Joseph E. Shipley
Registration No. 31,137
Attorney for Applicant(s)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
FOR THE BENEFIT OF AN EARLIER FILING DATE**

Sir:

Applicants hereby petition under 37 C.F.R. § 1.78(a)(3) for the acceptance of an unintentionally delayed claim for the benefit of an earlier filing date under 35 U.S.C. § 120 for the above-referenced application.

As required by 37 C.F.R. § 1.78(a)(3)(i), the above-referenced application is being amended by preliminary amendment, filed concurrently with this petition, to provide the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(1). Applicants request acceptance of a claim to priority from U.S. Patent Application No. 10/216,157, now U.S. Patent No. 6,698,333, which was filed on August 8, 2002

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and issued on March 2, 2004. The preliminary amendment is attached to this petition.

The entire delay between May 23, 2004, the date that the claim for priority was due under 37 C.F.R. § 1.78(a)(2)(ii), and the filing of this petition was unintentional.

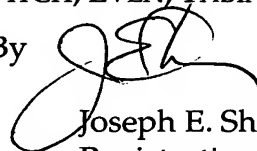
The Commissioner is authorized to charge Deposit Account No. 06-1135 in the amount of \$1,330.00 to cover the fee required by 37 C.F.R. § 1.78(a)(3)(ii) and set forth in 37 C.F.R. § 1.17(t) for the acceptance for an unintentionally delayed claim for priority. A duplicate copy of this Petition is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this application or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



Joseph E. Shipley
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September 10, 2004

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